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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,410	03/08/2001	Michael S. Bender	843161-214	2889
23879	7590	08/25/2004	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/801,410

Applicant(s)

BENDER, MICHAEL S.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/8/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3,6,9,11-14,16,19,21-23,26,29 are rejected under 35 U.S.C. 102(b) as being unpatentable by White et al.(US 5,983,273).

Claim 1: White discloses presenting smart card to a computing device in (fig.7). White discloses extracting a token ID from smart card in (col.4,lines 6-11). White discloses obtaining a token type and using token ID and token ID to identify smart card in (col.8,lines 2-11).

Claim 2: White discloses establishing a communication channel between computing device and a remote computer in (fig.1).

Claim 3 : White discloses extracting a token type from smart card in (col.8,lines 6-11).

Claim 6: White discloses remote computer comprises a server in (fig.1).

Claim 9: White discloses computing device comprises a human interface device in (fig.1).

Claim 11: White discloses a computer to extract a token ID from smart card in (col.4,lines 6-11) and obtaining a token type and using token ID and token ID to identify smart card in (col.8,lines 2-11). It is inherent in system of White to include computer readable program code or software in order to carry out such functions.

Claims 12-14,16: White discloses all the limitation, see claims 1-3,6 above. It is inherent in system of White to include computer readable program code or software in order to carry out such functions as token ID extraction,smart card

identification, communication establishment between two terminals.

Claim 19: White discloses computing device comprises a human interface device in (fig.1). Computer program inherency is discussed in claims 11-14.

Claim 21: White discloses presenting smart card to a computing device in (fig.7). White discloses extracting a token ID from smart card in (col.4, lines 6-11). White discloses obtaining a token type and using token ID and token ID to identify smart card in (col.8, lines 2-11).

Claim 22: White discloses a communication channel between computing device and a remote computer wherein token type is found on remote computer in (fig.1 and col.4, lines 5-11).

Claim 23: White discloses extracting a token type from smart card in (col.8, lines 6-11).

Claim 26: White discloses remote computer comprises a server in (fig.1).

Claim 29: White discloses computing device comprises a human interface device in (fig.1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-5, 7-8, 10, 15, 17-18, 20, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 5,983,273).

Claims 4-5, 7-8, 24-25, 27-28: White does not specifically disclose consulting a configuration file to obtain token type. Official notice is taken that configuration file is well known in the art. One of ordinary skill in the art would have been motivated to consult configuration file

in order to identify and recognize correct device input thus minimizing further operation steps in case wrong device is inputted.

Claims 10,20,30: White does not specifically disclose MicroPayflex smart card. Official notice is taken that MicroPayflex smart card is well known in the art. One of ordinary skill in the art would have been motivated to employ MicroPayflex card in order to conduct fast and secure transaction management such as home banking, e-commerce and identification and access control.

Claims 14-15,17,18: see claims 4-5,7-8 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

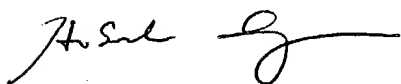
- a. Renner et al.(US 6,223,984).
- b. Charrin (6,577,733).
- c. Jackson et al.(US 4,980,542).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "H. S. L." followed by a long horizontal stroke.

HS